

While spreads made using structuring agents which comprise mesomorphic phase of edible emulsifiers are known, improvement in the taste of such spreads is still felt to be desirable.

The present invention is directed, in a first embodiment, to the discovery that very low fat spreads having emulsifier structuring agents can be flavored by the inclusion of 5 wt. % or less of an edible triglyceride fat and a lipophilic flavor. An additional aspect of the invention is the discovery that very low fat foods in the form of, or which include, an emulsion can be provided with a lipophilic flavor by incorporating the flavor in a gelled biopolymer phase. Incorporation of the lipophilic flavor in a gelled biopolymer phase facilitates control of flavor release in that the flavor release will be strongly influenced by the melting characteristics of the biopolymer. Thus, where such a product includes the preferred form of separate structuring emulsifier phases and gelled biopolymer phases, lipophilic flavor will be incorporated in the gelled biopolymer phase.

Wesdorp et al., U.S. Patent No. 5,620,734 is directed to mesomorphic phases of edible surfactants added to food products which include lactose. Although it is acknowledged that the Wesdorp et al. patent relates to spreads including mesomorphic phases, the Office points to no teaching of the recited food which contains a mesomorphic phase, less than 5 wt. % edible triglyceride fat and at least 0.0001 wt. % lipophilic flavor. Nor does the Office point to any teaching of preparing a food comprising preparing mesomorphic phase of edible surfactant in a first stream, preparing a gelled biopolymer comprising lipophilic flavor in a second stream, and combining the first and second streams to form an edible emulsion.

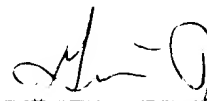
It would appear that the examples pointed to by the Office all lack one or more element of the recited invention. For instance, example II-23 cited against claim 2 includes 20% triglycerides whereas claim 2 depends from claim 1 which recites less than 5 wt% triglycerides. The Office points to no support for the proposition that it may simply ignore limitations of the claim in formulating an obviousness rejection. Since the Office points to no disclosure of teaching of the presently recited elements, it is respectfully that the Section 102(e) rejection based on Wesdorp et al. be withdrawn.

As respects the rejection of claims 13-19 and 23-24, it should be appreciated that independent claim 12 recites a first phase of edible gelled surfactant and a second phase of gelled biopolymer, the second phase comprising triglyceride fat and a lipophilic flavor. Again, Wesdorp et al. do not teach the invention for the reasons given above. As to Singer et al., even if their "elevated " flavor system works as described, the Office points to no teaching that one of ordinary skill should add a lipophilic flavor to a gelled biopolymer phase as presently recited instead of to a gelled surfactant phase. Consequently, it is requested that the rejection be withdrawn.

With respect to the rejection of claims 1, et seq. over the Heertje low fat spreads and dressings case, the Office points to no disclosure of use of lipophilic flavors in the Heertje compositions. Therefore, it is not understood how Heertje could be said to disclose or teach the present invention. As to the rejection of claims 22-26 over Heertje in view of Singer et al., as mentioned before in connection with Singer et al., claim 12 recites that the lipophilic flavor is added to the gelled biopolymer phase. It is not apparent why one of ordinary skill in the art would be led by the cited references to add lipophilic flavor to a gelled biopolymer phase as recited in claim 12 or claim 25.

In view of the foregoing, it is respectfully requested that the application be allowed.

Respectfully submitted,



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